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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,162	06/29/2006	Claudio Bargheer	095309.56911US	9074
23911 7590 10/26/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER WILSON, KAITLIN A	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 10/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/553,162

**Applicant(s)**

BARGHEER ET AL.

**Examiner**

Kaitlin A. Wilson

**Art Unit**

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/29/2006, 10/14/2005</u> .                                  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Bargheer et al. (US Patent 6,761,399 B2).

1. In re Claim 7, with reference to Figure 1, Bargheer et al. disclose an air supply device (14) for a vehicle seat (10,12) with an air channel (18,30) which comprises at least one air discharge opening (26) provided in an upper region of the seat (14) for supplying a head, shoulder and neck area of an occupant of the seat with an airflow, the air supply device (20) comprising:

- a blower (44) having a pressure side on which the air channel (18,30) is arranged,
- a heating element (32) arranged in the air channel (18,30) between the blower (24) and the air discharge opening (44), and
- a grid element (40, col. 2 lines 58-59) arranged inside the air channel (18,30) between the air discharge opening and the heating element (32)

2. In re Claim 8, with reference to Figure 2, Bargheer et al. discloses that grid element (40, col. 2 lines 58-59) is arranged transversely to a flow direction of the airflow flowing through the air channel (arrows show flow in Figure 2).
3. In re Claim 9, with reference to Figure 2, Bargheer et al. discloses that grid element (40, col. 2 lines 58-59) covers an entire cross section of the air channel.
4. In re Claim 10, with reference to Figure 2, Bargheer et al. discloses that the grid element (40, col. 2 lines 58-59) is arranged close to the air discharge opening (26) of the air channel (18,30).
5. In re Claim 11, with reference to Figure 2, Bargheer et al. discloses that the grid element (40, col. 2 lines 58-59) comprises a plurality of flow through openings of which a clear cross section is available.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 102(e) as being unpatentable over by Bargheer et al. (US Patent Application 2002/0063451 A1) Del Monte (EP 217,752 A1).
8. In re Claim 12, with reference to Figures 1 and 2, Bargheer et al. disclose the air supply device as described above with a grid element, but fail to disclose the two grid elements.

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9. However, Del Monte discloses an air supply device, which may have movable deflectors that are conventional in the field of motor vehicle air-conditioning systems.

10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use multiple movable flow deflectors since it was known in the art that grids on vents are used to regulate flow.

11. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bargheer et al. (US Patent Application 2002/0057006 A1) in view of Del Monte (EP 217,752 A1).

12. In re Claim 7, with reference to Figure 1, Bargheer et al. disclose an air supply device (20) for a vehicle seat (10,12,14) with an air channel (30,32,42) which comprises at least one air discharge opening (44) provided in an upper region of the seat (14) for supplying a head, shoulder and neck area of an occupant of the seat with an airflow, the air supply device (20) comprising:

- a blower (24) having a pressure side on which the air channel (32) is arranged,
- a heating element (26) arranged in the air channel (32) between the blower (24) and the air discharge opening (44) (paragraph 0017), and

13. Bargheer et al. fail to disclose a grid element arranged inside the air channel between the air discharge opening and the heating element.

14. However, with reference to Figure 1, Del Monte discloses an air-conditioning device held within a passenger seat, including a headrest with an air-outlet that contains opening (6), which normally has a grille (col. 2, lines 5-9).

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15. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the opening of Barsheer et al. with the grille of Del Monte, in order to regulate airflow out of the opening.

16. In re Claim 8, with reference to Figure 1, Del Monte discloses that grid element (6) is arranged transversely to a flow direction of the airflow flowing through the air channel (arrows show flow in Figure).

17. In re Claim 9, with reference to Figure 1, Del Monte discloses that grid element (6) covers an entire cross section of the air channel.

18. In re Claim 10, with reference to Figures 1 and 2, Del Monte discloses that the grid element (6) is arranged close to the air discharge opening (8) of the air channel (1).

19. In re Claim 11, with reference to Figures 1 and 2, Del Monte discloses that the grid element (6) comprises a plurality of flow through openings of which a clear cross section is available.

20. In re Claim 12, with reference to Figures 1 and 2, Del Monte discloses the air supply device as described above, that may have movable deflectors that are conventional in the field of motor vehicle air-conditioning systems.

21. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two grid elements as movable flow deflectors since it was known in the art that grids on vents are used to regulate flow.

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki et al. (US RE39,394 E) teaches an air flow apparatus for

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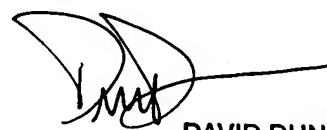
a vehicle seat with two layers of fabric over the outlet. Kunkel et al. (US Patent Application 2002/0003362 A1) teach an airflow for a vehicle seat with a grid over the outlet. Dodsworth (GB 2208542 A) teaches a grid over the outlet of an airflow device. Klaus et al. (DE19949935) teaches an airflow device in a head support with a grid over the outlet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin A. Wilson whose telephone number is (571)-270-3206. The examiner can normally be reached on Monday - Friday (7:00am-4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571)272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kaitlin Wilson



DAVID DUNN  
SUPERVISORY PATENT EXAMINER